

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**EDDIE BROOKS and DANIELLE CURRIER,  
an infant, by her parent, Susan Brooks,**

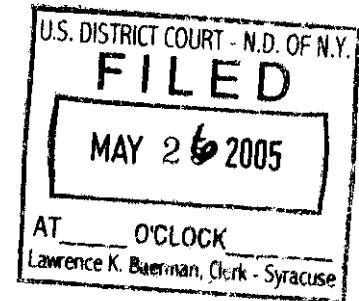
**Plaintiffs,**

**01-CV-552**

**v.**

**JAMES MULLEN, individually and in his  
capacity as a City of Syracuse Police Officer,**

**Defendant.**



**VERDICT SHEET**

**[PLEASE NOTE - Each Juror will be provided with a Verdict Form in order to facilitate understanding of the charge and to aid in deliberation as to the elements of each claim. HOWEVER, YOUR VERDICT SHOULD BE REPORTED TO THE JUDGE ON ONLY ONE VERDICT FORM WHICH IS SIGNED BY THE JURY FOREPERSON. The remaining Verdict Forms should be returned to the courtroom deputy unsigned.**

**ALSO, please carefully follow the bold-type directions accompanying each question.]**

**PLAINTIFFS' FEDERAL CLAIMS UNDER 42 U.S.C. § 1983**

**SECTION 1983 CLAIM - UNLAWFUL ARREST IN  
VIOLATION OF THE FOURTEENTH AMENDMENT**

1. Do you find by a preponderance of the evidence that Officer James Mullen executed an unlawful arrest of plaintiff Eddie Brooks, in violation of his rights secured by the Fourteenth Amendment to the United States Constitution?

yes \_\_\_ no Y

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to Question 5.]**

2. Did Officer Mullen's conduct in executing an unlawful arrest of plaintiff Eddie Brooks proximately cause injuries and damages to Mr. Brooks?

yes \_\_\_ no \_\_\_

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to Question 5.]**

3. What amount, if any, do you award as compensatory damages against Officer Mullen for deprivation of plaintiff Eddie Brooks' rights under the Fourteenth Amendment?

\$ \_\_\_\_\_

**[Proceed to the next question.]**

4. Do you find that the actions of Officer Mullen warrant an award of punitive damages in regard to his violation of Eddie Brooks' constitutional rights?

yes \_\_\_\_ no \_\_\_\_

**[Proceed to the next question.]**

5. Do you find by a preponderance of the evidence that Officer James Mullen executed an unlawful arrest of plaintiff Danielle Currier, in violation of her rights secured by the Fourteenth Amendment to the United States Constitution?

yes \_\_\_\_ no ☒

**[If you answered "yes" to the above, proceed to the next question.**

**If your answer is "no," proceed to Question 9.]**

6. Did Officer Mullen's conduct in executing an unlawful arrest of plaintiff Danielle Currier proximately cause injuries and damages to Ms. Currier?

yes \_\_\_\_ no \_\_\_\_

**[If you answered "yes" to the above, proceed to the next question.**

**If your answer is "no," proceed to Question 9.]**

7. What amount, if any, do you award as compensatory damages against Officer Mullen for deprivation of plaintiff Danielle Currier's rights under the Fourteenth Amendment?

\$ \_\_\_\_\_

**[Proceed to the next question.]**

8. Do you find that the actions of Officer Mullen warrant an award of punitive damages in regard to this violation of Danielle Currier's constitutional rights?

yes \_\_\_ no \_\_\_

**[Proceed to the next question.]**

**SECTION 1983 CLAIM - USE OF EXCESSIVE FORCE IN VIOLATION  
OF THE FOURTH AMENDMENT**

9. Do you find by a preponderance of the evidence that Officer James Mullen used force that was objectively unreasonable in arresting the plaintiff, Eddie Brooks, in violation of his rights secured by the Fourth Amendment to the United States Constitution?

yes \_\_\_ no ☒

**[If you answered "yes" to the above, proceed to the next question.**

**If your answer is "no," proceed to Question 13.]**

10. Did Officer Mullen's conduct in using force that was objectively unreasonable in arresting plaintiff, Eddie Brooks, proximately cause injuries and damages to Mr. Brooks?

yes \_\_\_ no \_\_\_

**[If you answered "yes" to the above, proceed to the next question.**

**If your answer is "no," proceed to Question 13.]**

11. What amount, if any, do you award as compensatory damages against Officer Mullen for deprivation of plaintiff Eddie Brooks' rights under the Fourth Amendment?

\$ \_\_\_\_\_

**[Proceed to the next question.]**

12. Do you find that the actions of Officer Mullen warrant an award of punitive damages in regard to his violation of Eddie Brooks' constitutional rights?

yes \_\_\_\_ no \_\_\_\_

**[Proceed to the next question.]**

13. Do you find by a preponderance of the evidence that Officer James Mullen used force that was objectively unreasonable in arresting the plaintiff, Danielle Currier, in violation of her rights secured by the Fourth Amendment to the United States Constitution?

yes ☒ no \_\_\_\_

**[If you answered "yes" to the above, proceed to the next question.  
If your answer is "no," proceed to Question 17.]**

14. Did Officer Mullen's conduct in using force that was objectively unreasonable in arresting plaintiff, Danielle Currier, proximately cause injuries and damages to Ms. Currier?

yes ☒ no \_\_\_\_

**[If you answered "yes" to the above, proceed to the next question.  
If your answer is "no," proceed to Question 17.]**

15. What amount, if any, do you award as compensatory damages against Officer Mullen for deprivation of plaintiff Danielle Currier's rights under the Fourth Amendment?

\$ 0

**[Proceed to the next question.]**

16. Do you find that the actions of Officer Mullen warrant an award of punitive damages in regard to his violation of Danielle Currier's constitutional rights?

yes \_\_\_ no ✓

**[If you answered "No" on Questions 1, 5, 9 and 13, deliberate no further and proceed to final instruction.**

**If you answered "Yes" on Question 1, 5, 9 or 13, proceed to the next question.]**

#### **LEGAL DEFENSE OF QUALIFIED IMMUNITY**

17. If you found that one or more of plaintiff Eddie Brooks' constitutional rights was violated, do you nevertheless find, consistent with the Court's charge, that defendant Mullen is entitled to qualified immunity?

a) Unlawful Arrest

Yes ✓ No \_\_\_

b) Excessive Force

Yes ✓ No \_\_\_

**[Proceed to the next question.]**

18. If you found that one or more of plaintiff Danielle Currier's constitutional rights was violated, do you nevertheless find, consistent with the Court's charge, that defendant Mullen is entitled to qualified immunity?

a) Unlawful Arrest

Yes ☒ No ☐

b) Excessive Force

Yes ☐ No ☒

**[Proceed to next section.]**

### **PLAINTIFFS' STATE LAW CLAIMS**

#### **FALSE ARREST/FALSE IMPRISONMENT**

19. Do you find by a preponderance of the evidence that Officer James Mullen intentionally and falsely arrested or imprisoned plaintiff, Eddie Brooks, on December 2, 1999?

yes ☐ no ☒

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to Question 23.]**

20. Did Officer Mullen's false arrest or false imprisonment of plaintiff, Eddie Brooks, proximately cause injuries and damages to Mr. Brooks?

yes ☐ no ☐

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to Question 23.]**

21. What amount, if any, do you award as compensatory damages against Officer Mullen for his state law tort of false arrest/false imprisonment of plaintiff Eddie Brooks?

\$ \_\_\_\_\_

**[Proceed to the next question.]**

22. Do you find that the actions of Officer Mullen warrant an award of punitive damages in regard to plaintiff, Eddie Brooks' claim of false arrest/false imprisonment?

yes \_\_\_\_ no \_\_\_\_

**[Proceed to the next question.]**

23. Do you find by a preponderance of the evidence that Officer James Mullen intentionally and falsely arrested or imprisoned plaintiff, Danielle Currier, on December 2, 1999?

yes \_\_\_\_ no ☒

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to Question 27.]**

24. Did Officer Mullen's false arrest or false imprisonment of plaintiff, Danielle Currier, proximately cause injuries and damages to Ms. Currier?

yes \_\_\_\_ no \_\_\_\_

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to Question 27.]**



25. What amount, if any, do you award as compensatory damages against Officer Mullen for his state law tort of false arrest/false imprisonment of plaintiff Danielle Currier?

\$ \_\_\_\_\_

**[Proceed to the next question.]**

26. Do you find that the actions of Officer Mullen warrant an award of punitive damages in regard to plaintiff, Danielle Currier's claim of false arrest/false imprisonment?

yes \_\_\_\_ no \_\_\_\_

**[Proceed to the next question.]**

### **BATTERY**

27. Do you find by a preponderance of the evidence that Officer James Mullen intentionally committed a battery upon plaintiff, Eddie Brooks, during the course of his arrest on December 2, 1999?

yes \_\_\_\_ no ☒

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to Question 31.]**

28. Did Officer Mullen's battery of plaintiff, Eddie Brooks, proximately cause injuries and damages to Mr. Brooks?

yes \_\_\_\_ no \_\_\_\_

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to Question 31.]**

29. What amount, if any, do you award as compensatory damages against Officer Mullen for his state law tort of battery against plaintiff, Eddie Brooks?

\$ \_\_\_\_\_

**[Proceed to the next question.]**

30. Do you find that the actions of Officer Mullen warrant an award of punitive damages in regard to plaintiff, Eddie Brooks' claim of intentional battery?

yes \_\_\_\_ no \_\_\_\_

**[Proceed to the next question.]**

31. Do you find by a preponderance of the evidence that Officer James Mullen intentionally committed a battery upon plaintiff, Danielle Currier, during the course of her arrest on December 2, 1999?

yes \_\_\_\_ no ☒

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to final instruction.]**

32. Did Officer Mullen's battery of plaintiff, Danielle Currier, proximately cause injuries and damages to Ms. Currier?

yes \_\_\_\_ no \_\_\_\_

**[If you answered "yes" to the above, proceed to the next question. If your answer is "no," proceed to final instruction.]**

33. What amount, if any, do you award as compensatory damages against Officer Mullen for his state law tort of battery against plaintiff, Danielle Currier?

\$ \_\_\_\_\_

**[Proceed to the next question.]**

34. Do you find that the actions of Officer Mullen warrant an award of punitive damages in regard to plaintiff, Danielle Currier's claim of intentional battery?

yes \_\_\_\_ no \_\_\_\_

**[Proceed to final instruction.]**

**FINAL INSTRUCTION**

**YOU ARE NOW FINISHED. PLEASE REPORT THAT YOU HAVE REACHED A VERDICT TO THE MARSHALL. PLEASE REMEMBER TO DATE AND SIGN YOUR VERDICT SHEET. THANK YOU.**

5/26/05  
Date